

**REMARKS**

**The Section 103 Rejections of Claims 1, 3-4, 6-7, 10-15, 18-19, 21-23, 25, 27-28, 31-32, 34-36, 39-45, 47-48, 50-51, 54-57, 60-61, 63-65, 67, 69, 72-73 and 75-77**

Claims 1, 3-4, 6-7, 10-15, 18-19, 21-23, 25, 27-28, 31-32, 34-36, 39-45, 47-48, 50-51, 54-57, 60-61, 63-65, 67, 69, 72-73 and 75-77 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani et al., U.S. Patent No. 6,222,830 ("Padovani") in view of Kusaki et al., U.S. Patent No. 6,754,495 ("Kusaki"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

As the Office Action admits, Padovani fails to teach the generation of a frame copy. To make up for this deficiency, the Office Action now cites Kusaki.

Initially, Applicants point out that each of the claims of the present invention not only requires a frame copy but also requires that an acceptable portion of an enhanced frame be combined with an acceptable portion of an enhanced frame copy based on an error burst representation to form a combined frame of a higher quality than the enhanced frame, for example, during a soft handoff.

Secondly, Applicants respectfully submit that not only does Padovani fail to disclose or suggest the claimed frame copy, it also fails to disclose or suggest combining an acceptable portion of an enhanced frame with an acceptable portion of an enhanced frame copy based on an error burst representation to form a combined frame of a higher quality than the enhanced frame.

Thirdly, the fact that Kusaki may disclose the duplication of data (referred to as “duplicated same data” in Kusaki) in no way makes up for the deficiencies of Padovani discussed above.

Said another way, though Kusaki may disclose the generation of a duplicate set of data, it does not disclose or suggest the combination of an acceptable portion of an enhanced frame with an acceptable portion of an enhanced frame copy based on an error burst representation to form a combined frame of a higher quality than an enhanced frame, as required by the claims of the present invention.

In fact, it appears that Kusaki selects either an original data stream or its duplicate; such a selection is not tantamount to the claimed combined frame required by the claims of the present invention.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 3-4, 6-7, 10-15, 18-19, 21-23, 25, 27-28, 31-32, 34-36, 39-45, 47-48, 50-51, 54-57, 60-61, 63-65, 67, 69, 72-73 and 75-77.

**The Section 103 Rejections of Claims 8, 9, 52 and 53**

Claims 8, 9, 52 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Kusaki and in further view of Strawczynski et al., U.S. Patent No. 6,381,232 (“Strawczynski”).

Applicants note that claims 8, 9, 52 and 53 depend on independent claims 1 and 45. Applicants also note that Strawczynski does not make up for

the deficiencies of Padovani and Kusaki discussed above with respect to claims 1 and 45. Accordingly, Applicants respectfully submit that claims 8, 9, 52 and 53 are patentable over a combination of Padovani in view of Kusaki and in further view of Strawczynski for the reasons set forth above with respect to claims 1 and 45.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 8, 9, 52 and 53.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

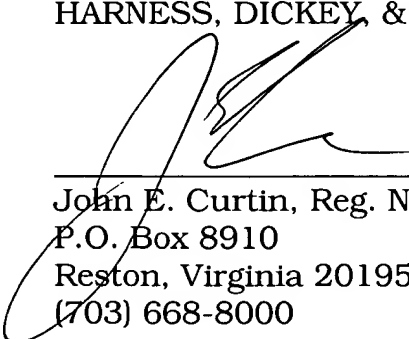
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



---

John E. Curtin, Reg. No. 37,602  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JEC:psy